

Executive Summary – Enforcement Matter – Case No. 41691

Chester Alton Andrews

RN102095619

Docket No. 2011-0792-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Alta Vista Mobile Home Park, located approximately 13 miles north-northeast of the Fort Worth central business district and 1.9 miles east of Interstate Highway 35 West on the north bank of Big Bear Creek, west of its crossing of Alta Vista Road and approximately 0.5 mile south of the intersection of Alta Vista Road and Keller-Hicks Road, Keller, Tarrant County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 11, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$43,269

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$35,309

Total Paid to General Revenue: \$225

Total Due to General Revenue: \$7,735

Payment Plan: 35 payments of \$221 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Docket No. 2011-0792-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 11, 2011

Date(s) of NOE(s): May 10, 2011

Violation Information

1. Failed to comply with the permitted effluent limits for total suspended solids ("TSS"), biochemical oxygen demand (BOD), dissolved oxygen, and chlorine [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011032001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6].
2. Failed to submit discharge monitoring reports ("DMRs") at the specified frequency [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0011032001, Monitoring and Reporting Requirements No. 1].
3. Failed to submit a timely, complete, and accurate annual sludge report for the monitoring period ending July 31, 2010 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011032001, Sludge Provisions].
4. Failed to submit noncompliance notification reports for effluent violations which deviate from the permitted effluent limitation by more than 40% [30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011032001, Monitoring and Reporting Requirements No. 7.c.].
5. Failed to have all required monitoring and reporting records for sludge removal from the Facility available for review upon request [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and TPDES Permit No. WQ0011032001, Operational Requirements No. 11.f. and Sludge Provisions, Section II.E].
6. Failed to provide accurate flow measurements that conform to those prescribed in the Water Measurements Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C. or methods that are equivalent as approved by the Executive Director and to properly conduct the chlorine residual analysis [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(b) and (d) and TPDES Permit No. WQ0011032001, Monitoring and Reporting Requirements No. 2].
7. Failed to conduct and maintain records of process controls at the Facility [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011032001, Operational Requirements No. 1].
8. Failed to have the backflow prevention device tested annually [30 TEX. ADMIN. CODE § 317.4(a)(8)].

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9. Failed to implement an adequate disinfection mechanism [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011032001, Operational Requirements No. 1].
10. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0012342001, Operational Requirements No. 1].
11. Failed to prevent the unauthorized discharges of wastewater [TEX. WATER CODE § 26.121, 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011032001, Permit Conditions No. 2.g.].
12. Failed to report the unauthorized discharge of wastewater [30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0011032001, Monitoring and Reporting Requirements No. 7.a.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the Facility:

- a. On September 9, 2010, submitted the DMRs for the monitoring periods ending February 28, 2010 through May 31, 2010;
- b. On November 29, 2010, submitted the DMRs for the monitoring periods ending June 30, 2010 through October 31, 2010;
- c. On March 14, 2011, submitted the DMR for the monitoring period ending November 30, 2010;
- d. On March 22, 2011, tested the backflow prevention device;
- e. On May 17, 2011, purchased a chlorine meter and began properly conducting the chlorine residual analysis and installed a ruler for accurate flow measurement;
- f. By May 17, 2011, blocked off the weirs so that all effluent would pass over the chlorine tablets prior to exiting the chlorine contact chamber;
- g. By May 17, 2011, increased the air flow in the aeration basin to eliminate the dead spots;
- h. By May 17, 2011, installed new bar screens that prevent solids from entering the aeration basin, the clarifier, and the effluent retention tank;

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- i. By May 17, 2011, implemented improved procedures for waste removal to prevent accumulation of solids in the aeration basin, the clarifier, and the effluent retention tank; and
- j. By May 17, 2011, implemented procedures to ensure that the door to the effluent retention tank room and the gate to the Facility are locked when no one was present.

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days:
 - i. Develop and implement a system for keeping all required records available for review, including but not limited to sludge records;
 - ii. Begin implementing process controls;
 - iii. Submit the DMRs for the monitoring periods ending December 31, 2010 and January 31, 2011 and a complete and accurate annual sludge report for the monitoring period ending July 31, 2010;
 - iv. Submit the noncompliance notification reports for deviations of TSS limitations by more than 40% during the month of February 2009 and deviations of the BOD limitations by more than 40% during the month of May 2010;
 - v. Submit the unauthorized discharge notifications for the overflows that occurred at the cleanouts located prior to the Facility;
 - vi. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs, the timely submittal of signed and certified annual sludge reports, the timely submittal of noncompliance notification reports for effluent violations which deviate from the permitted effluent limitation by more than 40%, and the timely submittal of unauthorized discharge notifications; and
 - vii. Clean up the debris around both cleanouts prior to the Facility.
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.i. through a.vii.;
- c. Within 60 days, either obtain approval for the current disinfection mechanism or install and begin implementing an approved disinfection mechanism;

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d. Within 75 days, submit written certification of compliance with Ordering Provision c.; and

e. Within 90 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Chester Alton Andrews, Owner, Alta Vista Mobile Home Park, 1916 East Madison Avenue, El Cajon, California, 92019

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-May-2011	Screening	23-May-2011	EPA Due	
	PCW	9-Jun-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Chester Alton Andrews		
Reg. Ent. Ref. No.	RN102095619		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	41691	No. of Violations	13
Docket No.	2011-0792-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jill Russell
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$33,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	35.0% Enhancement	Subtotals 2, 3, & 7	\$11,550
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Notes Enhancement for four months of self-reported effluent violations and three NOV's for the same/similar violations within the last five years.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,350
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,197
Approx. Cost of Compliance \$15,932
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$43,200
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.2%	Adjustment	\$69
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement to capture the avoided cost of compliance associated with violation no. 9.

Final Penalty Amount	\$43,269
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$43,269
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$43,269
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Screening Date 23-May-2011

Docket No. 2011-0792-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 2 (September 2002)

Case ID No. 41691

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	7	35%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 35%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for four months of self-reported effluent violations and three NOVs for the same/similar violations within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date 23-May-2011

Docket No. 2011-0792-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 2 (September 2002)

Case ID No. 41691

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011032001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6

Violation Description

Failed to comply with the permitted effluent limits, as documented during a record review conducted on March 11, 2011 and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand 5-Day ("BOD") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids ("TSS"), dissolved oxygen, and total residual chlorine were also considered. As a result of these discharges, human health or the environment has been exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

123 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

Before NOV NOV to EDPRP/Settlement Offer

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$899

Violation Final Penalty Total \$4,056

This violation Final Assessed Penalty (adjusted for limits) \$4,056

Economic Benefit Worksheet

Respondent Chester Alton Andrews
Case ID No. 41691
Reg. Ent. Reference No. RN102095619
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-May-2010	17-Mar-2012	1.80	\$899	n/a	\$899

Notes for DELAYED costs

Estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater treatment system. Date required is the first date of non-compliance and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$899

Screening Date 23-May-2011

Docket No. 2011-0792-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 2 (September 2002)

Case ID No. 41691

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0011032001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to submit discharge monitoring reports ("DMRs") for the monitoring periods ending December 31, 2010 and January 31, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

123 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two monthly events are recommended (one for each DMR).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x (mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$38

Violation Final Penalty Total \$2,704

This violation Final Assessed Penalty (adjusted for limits) \$2,704

Economic Benefit Worksheet

Respondent Chester Alton Andrews
Case ID No. 41691
Reg. Ent. Reference No. RN102095619
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	20-Jan-2011	17-Jan-2012	0.99	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	5-Mar-2009	17-Jan-2012	2.87	\$36	n/a	\$36

Notes for DELAYED costs

The estimated cost to submit the DMRs (\$25 per report). Date required is the date the first report was due and the final date is the estimated date of compliance.

The estimated cost to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs, the timely submittal of signed and certified annual sludge reports, the timely submittal of noncompliance notification reports for effluent violations which deviate from the permitted effluent limitation by more than 40%, and the timely submittal of unauthorized discharge notifications. Date required is the date the first noncompliance notification report was due and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$300

TOTAL \$38

Screening Date 23-May-2011

Docket No. 2011-0792-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 2 (September 2002)

Case ID No. 41691

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0011032001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit DMRs for the monitoring periods ending February 28, 2010 through November 30, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
				x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 10

359 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

Ten single events are recommended (one for each DMR).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$1,352

This violation Final Assessed Penalty (adjusted for limits) \$1,352

Economic Benefit Worksheet

Respondent Chester Alton Andrews
Case ID No. 41691
Reg. Ent. Reference No. RN102095619
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	20-Mar-2010	14-Mar-2011	0.98	\$12	n/a	\$12
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to submit the DMRs (\$25 per report). Date required is the date the first report was due and the final date is the date the last report was received.

The estimated cost to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished is included in the economic benefit for violation no. 2.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$12

Screening Date 23-May-2011

Docket No. 2011-0792-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 2 (September 2002)

Case ID No. 41691

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0011032001, Sludge Provisions

Violation Description

Failed to submit a timely, complete, and accurate annual sludge report for the monitoring period ending July 31, 2010. Specifically, the investigator documented that sludge had been disposed of during the 2010 reporting period but the annual sludge report submitted on November 29, 2010 indicated that no disposal had occurred.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

264 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,352

This violation Final Assessed Penalty (adjusted for limits) \$1,352

Economic Benefit Worksheet

Respondent Chester Alton Andrews
Case ID No. 41691
Reg. Ent. Reference No. RN102095619
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	1-Sep-2010	17-Jan-2012	1.38	\$3	n/a	\$3
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to submit a timely, complete, and accurate annual sludge report for the monitoring period ending July 31, 2010. Date required is the date the report was due and the final date is the estimated date of compliance. The estimated cost to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished is included in the economic benefit for violation no. 2.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Screening Date 23-May-2011

Docket No. 2011-0792-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 2 (September 2002)

Case ID No. 41691

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011032001,
Monitoring and Reporting Requirements No. 7.c.

Violation Description

Failed to submit noncompliance notification reports for effluent violations which deviate from the permitted effluent limitation by more than 40%. Specifically, noncompliance notification reports were not submitted for deviations of TSS limitations by more than 40% during the month of February 2009 and deviations of the BOD limitations by more than 40% during the month of May 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

809 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,000

Two single events are recommended (one for each noncompliance report).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$2,704

This violation Final Assessed Penalty (adjusted for limits) \$2,704

Economic Benefit Worksheet

Respondent Chester Alton Andrews

Case ID No. 41691

Reg. Ent. Reference No. RN102095619

Media Water Quality

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$40	5-Mar-2009	17-Jan-2012	2.87	\$6	n/a	\$6
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the noncompliance notification reports for the months of February 2009 and May 2010. Date required is the date the first noncompliance notification report was due and the final date is the estimated date of compliance.

The estimated cost to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished is included in the economic benefit for violation no. 2.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$40

TOTAL

\$6

Screening Date 23-May-2011

Docket No. 2011-0792-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 2 (September 2002)

Case ID No. 41691

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(B) and TPDES Permit No. WQ0011032001, Operational Requirements No. 11.f. and Sludge Provisions, Section II.E

Violation Description

Failed to have all required monitoring and reporting records for sludge removal from the Facility available for review upon request. Specifically, the waste manifests for sludge disposal were not available for review at the time of the investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

73 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$1,352

This violation Final Assessed Penalty (adjusted for limits) \$1,352

Economic Benefit Worksheet

Respondent Chester Alton Andrews
Case ID No. 41691
Reg. Ent. Reference No. RN102095619
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	11-Mar-2011	17-Jan-2012	0.85	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement a system for keeping all required records available for review.
Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

Screening Date 23-May-2011

Docket No. 2011-0792-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 2 (September 2002)

Case ID No. 41691

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.11(b) and (d) and TPDES Permit No. WQ0011032001, Monitoring and Reporting Requirements No. 2

Violation Description

Failed to provide accurate flow measurements that conform to those prescribed in the Water Measurements Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C. or methods that are equivalent as approved by the Executive Director and to properly conduct the chlorine residual analysis. Specifically, the investigator documented that no staff gauge was present to be used in conjunction with the 90 degree V-notch weir and that the meter used for the total chlorine residual analysis only allowed the user to determine the color produced by the reaction of chemicals with the chlorine present and did not produce a reliable and consistent value.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

		2	68	Number of violation days
mark only one with an x	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event		x	

Violation Base Penalty \$1,000

Two single events are recommended (one for each test).

Good Faith Efforts to Comply

10.0% Reduction

\$100

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent returned to compliance on May 17, 2011.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,252

This violation Final Assessed Penalty (adjusted for limits) \$1,252

Economic Benefit Worksheet

Respondent Chester Alton Andrews
Case ID No. 41691
Reg. Ent. Reference No. RN102095619
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$330	10-Mar-2011	17-May-2011	0.19	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to fasten a ruler to the required location (\$100) to provide accurate flow measurements and the actual cost to purchase a chlorine meter (\$230) to properly conduct the chlorine residual analysis. Date required is the investigation date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$330

TOTAL

\$3

Screening Date 23-May-2011

Docket No. 2011-0792-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 2 (September 2002)

Case ID No. 41691

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0011032001, Operational Requirements No. 1

Violation Description

Failed to conduct and maintain records of process controls at the Facility. Specifically, the investigator documented that no process controls were being conducted at the Facility.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

3

73

Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Three monthly events are recommended from the investigation date, March 11, 2011, to the date of screening, May 23, 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$43

Violation Final Penalty Total \$10,141

This violation Final Assessed Penalty (adjusted for limits) \$10,141

Economic Benefit Worksheet

Respondent Chester Alton Andrews

Case ID No. 41691

Reg. Ent. Reference No. RN102095619

Media Water Quality

Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	11-Mar-2011	17-Jan-2012	0.85	\$43	n/a	\$43
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to begin implementing process controls and to maintain records of process controls at the Facility. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$43

Screening Date 23-May-2011

Docket No. 2011-0792-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 2 (September 2002)

Case ID No. 41691

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code § 317.4(a)(8)

Violation Description

Failed to have the backflow prevention device tested annually. Specifically, the investigator documented that the backflow prevention device was last tested and certified on November 5, 2008.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

867 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$2,000

Two annual events are recommended (one for each year the test was due).

Good Faith Efforts to Comply

25.0% Reduction

\$500

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

x

N/A

(mark with x)

Notes

The Respondent returned to compliance on March 22, 2011.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$69

Violation Final Penalty Total \$2,204

This violation Final Assessed Penalty (adjusted for limits) \$2,204

Economic Benefit Worksheet

Respondent Chester Alton Andrews

Case ID No. 41691

Reg. Ent. Reference No. RN102095619

Media Water Quality

Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$62	6-Nov-2009	22-Mar-2011	2.29	\$7	\$62	\$69

Notes for AVOIDED costs

Estimated cost to have the backflow prevention device tested annually (\$31 per year). Date required is the date the initial test was due and the final date is the date the test was conducted.

Approx. Cost of Compliance

\$62

TOTAL

\$69

Screening Date 23-May-2011

Docket No. 2011-0792-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 2 (September 2002)

Case ID No. 41691

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 10

Rule Cite(s)

30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0011032001,
Operational Requirements No. 1

Violation Description

Failed to implement an adequate disinfection mechanism. Specifically, the investigator documented that the Respondent was using an unauthorized tablet chlorine feeder that was incapable of covering the entire area in which the effluent was exiting the chamber.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

73

Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the investigation date, March 11, 2011, to the date of screening, May 23, 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

Notes

x (mark with x)

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$94

Violation Final Penalty Total \$1,352

This violation Final Assessed Penalty (adjusted for limits) \$1,352

Economic Benefit Worksheet

Respondent Chester Alton Andrews
Case ID No. 41691
Reg. Ent. Reference No. RN102095619
Media Water Quality
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	11-Mar-2011	17-Feb-2012	0.94	\$94	n/a	\$94

Notes for DELAYED costs

Estimated cost to implement an adequate disinfection mechanism. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$94

Screening Date 23-May-2011

Docket No. 2011-0792-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 2 (September 2002)

Case ID No. 41691

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 11

Rule Cite(s)

30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0012342001,
Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the investigator documented that the blower lines were not positioned correctly to prevent dead spots in the aeration basin, the bar screen spacing was not sufficient to prevent large amounts of solids from entering the aeration basin, the clarifier was extremely turbid, floating solids were in the clarifier and effluent retention tank, and the door to the effluent retention tank room and the gate to the Facility were not locked when no one was present.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix
Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

73

Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Three monthly events are recommended from the investigation date, March 11, 2011, to the date of screening, May 23, 2011.

Good Faith Efforts to Comply

10.0% Reduction

\$750

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent returned to compliance on May 17, 2011.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$9,390

This violation Final Assessed Penalty (adjusted for limits) \$9,390

Economic Benefit Worksheet

Respondent: Chester Alton Andrews
 Case ID No.: 41691
 Reg. Ent. Reference No.: RN102095619
 Media: Water Quality
 Violation No.: 11

Percent Interest: 5.0
 Years of Depreciation: 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$1,550	11-Mar-2011	17-May-2011	0.18	\$14	n/a

Notes for DELAYED costs

Estimated cost to increase the air flow in the aeration basin to eliminate the dead spots (\$250), to install new bar screens (\$1,000) that prevent solids from entering the aeration basin, the clarifier, and the effluent retention tank, to implement improved procedures for waste removal to prevent accumulation of solids in the aeration basin, the clarifier, and the effluent retention tank (\$250) and to implement procedures to ensure that the door to the effluent retention tank room and the gate to the Facility are locked when no one was present (\$50). Date required is the investigation date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,550

TOTAL

\$14

Screening Date 23-May-2011

Docket No. 2011-0792-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 2 (September 2002)

Case ID No. 41691

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

V12 12

Rule Cite(s)

Tex. Water Code § 26.121, 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011032001, Permit Conditions No. 2.g.

Violation Description

Failed to prevent the unauthorized discharges of wastewater. Specifically, the investigator documented debris around both cleanouts located prior to the Facility, indicating that overflows had occurred.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

73 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended (one for each point of discharge).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$2,704

This violation Final Assessed Penalty (adjusted for limits) \$2,704

Economic Benefit Worksheet

Respondent Chester Alton Andrews

Case ID No. 41691

Reg. Ent. Reference No. RN102095619

Media Water Quality

Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$200	11-Mar-2011	17-Jan-2012	0.85	\$9	n/a	\$9
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to clean the clog and clean up the debris around both cleanouts located prior to the Facility.
Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$9

Screening Date 23-May-2011

Docket No. 2011-0792-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 2 (September 2002)

Case ID No. 41691

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 13

Rule Cite(s) 30 Tex. Admin. Code § 305.125(9) and TPDES Permit No. WQ0011032001,
Monitoring and Reporting Requirements No. 7.a.

Violation Description

Failed to report the unauthorized discharge of wastewater. Specifically, the investigator documented that the Respondent did not submit any unauthorized discharge notifications for the overflows that occurred at the cleanouts.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

72 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,000

Two single events are recommended (one for each notification due).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$2,704

This violation Final Assessed Penalty (adjusted for limits) \$2,704

Economic Benefit Worksheet

Respondent Chester Alton Andrews
Case ID No. 41691
Reg. Ent. Reference No. RN102095619
Media Water Quality
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	11-Mar-2011	17-Jan-2012	0.85	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the unauthorized discharge notification reports. Date required is the date the first report was due (within 24 hours of the Permittee becoming aware of the violation during the investigation) and the final date is the estimated date of compliance.

The estimated cost to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished is included in the economic benefit for violation no. 2.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

Compliance History

Customer/Respondent/Owner-Operator:	CN603085531 ANDREWS, CHESTER ALTON	Classification: AVERAGE	Rating: 1.30
Regulated Entity:	RN102095619 ALTA VISTA MOBILE HOME PARK	Classification: AVERAGE	Site Rating: 1.30
ID Number(s):	WASTEWATER PERMIT WASTEWATER EPA ID WASTEWATER LICENSING LICENSE		WQ0011032001 TX0023591 WQ0011032001
Location:	LOCATED APPROXIMATELY 13 MILES NORTH-NORTHEAST OF THE CITY OF FORT WORTH CENTRAL BUSINESS DISTRICT AND 1.9 MILES EAST OF THE INTERSTATE HIGHWAY 35W ON THE NORTH BANK OF BIG BEAR CREEK, WEST OF ITS CROSSING OF ALTA VISTA ROAD AND APPROXIMATELY 0.5 MILE SOUTH OF THE INTERSECTION OF ALTA VISTA ROAD AND KELLER-HICKS ROAD IN KELLER, TARRANT COUNTY, TEXAS		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	May 23, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	May 23, 2006 to May 23, 2011		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Samuel Short	Phone:	(512) 239-5363

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |
| 6. Rating Date: 9/1/2010 Repeat Violator: | NO |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	11/30/2006	(531850)
2	03/23/2007	(543882)
3	02/12/2007	(577489)
4	03/01/2007	(577490)
5	02/12/2007	(577491)
6	04/09/2007	(577492)
7	02/12/2007	(577493)
8	05/04/2007	(577494)
9	02/12/2007	(577495)
10	06/13/2007	(577496)
11	02/12/2007	(577497)
12	02/12/2007	(577498)
13	02/12/2007	(577499)
14	02/12/2007	(577500)

15	02/12/2007	(577501)
16	02/12/2007	(577502)
17	02/12/2007	(577503)
18	02/12/2007	(577504)
19	02/12/2007	(577505)
20	02/12/2007	(577506)
21	02/12/2007	(577507)
22	02/12/2007	(577508)
23	02/12/2007	(577509)
24	02/12/2007	(577510)
25	02/12/2007	(577511)
26	02/12/2007	(577512)
27	08/16/2007	(602210)
28	10/30/2007	(602211)
29	10/30/2007	(602212)
30	10/30/2007	(602213)
31	11/26/2007	(620376)
32	04/02/2008	(672682)
33	03/05/2008	(690691)
34	03/05/2008	(690692)
35	12/03/2008	(705950)
36	10/20/2008	(711533)
37	10/20/2008	(711534)
38	10/20/2008	(711535)
39	10/20/2008	(711536)
40	10/20/2008	(711537)
41	10/20/2008	(711538)
42	10/20/2008	(711539)
43	10/20/2008	(711540)
44	10/20/2008	(711541)
45	04/28/2010	(827813)
46	09/09/2010	(867065)
47	09/09/2010	(867066)
48	09/09/2010	(867067)
49	09/09/2010	(867068)
50	10/18/2010	(874109)
51	10/18/2010	(874110)
52	10/18/2010	(874111)
53	10/18/2010	(874112)
54	10/18/2010	(874113)
55	10/18/2010	(874114)
56	10/18/2010	(874115)
57	10/18/2010	(874116)
58	10/18/2010	(874117)
59	10/18/2010	(874118)
60	10/18/2010	(874119)
61	08/18/2010	(874120)
62	10/18/2010	(874121)
63	11/29/2010	(881723)
64	11/29/2010	(881724)
65	11/29/2010	(881725)
66	11/29/2010	(881726)

67	11/29/2010	(888228)
68	05/10/2011	(905631)
69	03/14/2011	(916555)
70	03/14/2011	(916556)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	11/30/2006	(531850)	CN603085531
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B)		
	30 TAC Chapter 305, SubChapter F 305.125(11)(C)		
Description:	Failure to submit the Annual Sludge report.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to have the required records maintained and available for review during the investigation.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to submit monthly discharge monitoring reports (DMRs).		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter D 305.65		
Description:	Failure to submit a permit renewal application at least 180 days before the expiration date of the effective permit.		
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 30, SubChapter J 30.331(b)		
	30 TAC Chapter 30, SubChapter J 30.350(d)		
Description:	Failure to have a certified operator with the proper certification levels operating the plant.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
	30 TAC Chapter 317 317.4(d)		
Description:	Failure to properly maintain the clarifier.		
Date:	12/05/2008	(705950)	CN603085531
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to submit the monthly discharge monitoring reports (DMRs).		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 317 317.4(a)(8)		
Description:	Failure to provide a reduced-pressure principle backflow prevention assembly (RPBA) at the plant's main potable water service line.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B)		
	30 TAC Chapter 305, SubChapter F 305.125(11)(C)		
	Sludge Provisions PERMIT		
Description:	Failure to submit the year 2006-2007 and 2007-2008 annual sludge reports.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 317 317.7(e)		
Description:	Failure to adequately fence the plant area and failure to provide adequate signage.		
Date:	02/28/2009	(874111)	CN603085531
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/28/2010	(827813)	CN603085531
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(17)		

F.	Environmental audits.	N/A
G.	Type of environmental management systems (EMSs).	N/A
H.	Voluntary on-site compliance assessment dates.	N/A
I.	Participation in a voluntary pollution reduction program.	N/A
J.	Early compliance.	N/A
Sites Outside of Texas		N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHESTER ALTON ANDREWS
RN102095619**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-0792-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chester Alton Andrews ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 13 miles north-northeast of the Fort Worth central business district and 1.9 miles east of the Interstate Highway 35 West on the north bank of Big Bear Creek, west of its crossing of Alta Vista Road and approximately 0.5 mile south of the

intersection of Alta Vista Road and Keller-Hicks Road in Keller, Tarrant County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation on March 11, 2011, TCEQ staff documented the following effluent values based on the self-reported discharge monitoring reports ("DMR") and a grab sample taken during the investigation.

<i>EFFLUENT PARAMETER</i>						
<i>Permit Limit</i>						
	TSS Daily Average Conc.	BOD Daily Average Conc.	BOD Single Grab Conc.	BOD Daily Average Loading	Total Chlorine Residual Min. Conc.	DO Min. Con.
<i>Month/Year</i>	20 mg/L	10 mg/L	65 mg/L	1.3 lb/dy	1 mg/L	2 mg/L
May 2010	c	37	137	1.8	c	c
August 2010	22.7	c	c	c	c	c
September 2010	23.4	c	c	c	c	1.3
*March 2011	c	c	c	c	0.86	1.33

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lb/dy
total suspended solids	TSS
biochemical oxygen demand	BOD
minimum	Min.
concentration	Conc.
compliant	c
grab sample	*

4. During an investigation on March 11, 2011, TCEQ staff documented that the discharge monitoring reports ("DMRs") for the monitoring periods ending December 31, 2010 and January 31, 2011 had not been submitted and that the DMRs for the monitoring periods ending February 28, 2010 through November 30, 2010 were not timely submitted.
5. During an investigation on March 11, 2011, TCEQ staff documented that sludge had been disposed of during the 2010 reporting period but the annual sludge report submitted on November 29, 2010 indicated that no disposal had occurred.
6. During an investigation on March 11, 2011, TCEQ staff documented that noncompliance notification reports were not submitted for deviations of TSS limitations by more than

40% during the month of February 2009 and deviations of the BOD limitations by more than 40% during the month of May 2010.

7. During an investigation on March 11, 2011, TCEQ staff documented that the waste manifests for sludge disposal were not available for review at the time of the investigation.
8. During an investigation on March 11, 2011, TCEQ staff documented that no staff gauge was present to be used in conjunction with the 90 degree V-notch weir and that the meter used for the total chlorine residual analysis only allowed the user to determine the color produced by the reaction of chemicals with the chlorine present and did not produce a reliable and consistent value.
9. During an investigation on March 11, 2011, TCEQ staff documented that no process controls were being conducted at the Facility.
10. During an investigation on March 11, 2011, TCEQ staff documented that the backflow prevention device was last tested and certified on November 5, 2008.
11. During an investigation on March 11, 2011, TCEQ staff documented that the Respondent was using an unauthorized tablet chlorine feeder that was incapable of covering the entire area in which the effluent was exiting the chamber.
12. During an investigation on March 11, 2011, TCEQ staff documented that the blower lines were not positioned correctly to prevent dead spots in the aeration basin, the bar screen spacing was not sufficient to prevent large amounts of solids from entering the aeration basin, the clarifier was extremely turbid, floating solids were in the clarifier and effluent retention tank, and the door to the effluent retention tank room and the gate to the Facility were not locked when no one was present.
13. During an investigation on March 11, 2011, TCEQ staff documented that debris was around both cleanouts located prior to the Facility, indicating that overflows had occurred.
14. During an investigation on March 11, 2011, TCEQ staff documented that the Respondent did not submit unauthorized discharge notifications for the overflows that occurred at the cleanouts.
15. The Respondent received notice of the violations on May 15, 2011.
16. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On September 9, 2010, submitted the DMRs for the monitoring periods ending February 28, 2010 through May 31, 2010;

- b. On November 29, 2010, submitted the DMRs for the monitoring periods ending June 30, 2010 through October 31, 2010;
- c. On March 14, 2011, submitted the DMR for the monitoring period ending November 30, 2010;
- d. On March 22, 2011, tested the backflow prevention device;
- e. On May 17, 2011, purchased a chlorine meter and began properly conducting the chlorine residual analysis and installed a ruler for accurate Flow measurement;
- f. By May 17, 2011, blocked off the weirs so that all effluent would pass over the chlorine tablets prior to exiting the chlorine contact chamber;
- g. By May 17, 2011, increased the air flow in the aeration basin to eliminate the dead spots;
- h. By May 17, 2011, installed new bar screens that prevent solids from entering the aeration basin, the clarifier, and the effluent retention tank;
- i. By May 17, 2011, implemented improved procedures for waste removal to prevent accumulation of solids in the aeration basin, the clarifier, and the effluent retention tank; and
- j. By May 17, 2011, implemented procedures to ensure that the door to the effluent retention tank room and the gate to the Facility are locked when no one was present.

II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011032001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6.
- 3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit DMRs at the specified frequency, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0011032001, Monitoring and Reporting Requirements No. 1.
- 4. As evidenced by Findings of Fact No. 5, the Respondent failed to submit a timely, complete, and accurate annual sludge report for the monitoring period ending July

- 31, 2010, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011032001, Sludge Provisions.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to submit noncompliance notification reports for effluent violations which deviate from the permitted effluent limitation by more than 40%, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011032001, Monitoring and Reporting Requirements No. 7.c.
 6. As evidenced by Findings of Fact No. 7, the Respondent failed to have all required monitoring and reporting records for sludge removal from the Facility available for review upon request, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and TPDES Permit No. WQ0011032001, Operational Requirements No. 11.f. and Sludge Provisions, Section II.E.
 7. As evidenced by Findings of Fact No. 8, the Respondent failed to provide accurate flow measurements that conform to those prescribed in the Water Measurements Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C. or methods that are equivalent as approved by the Executive Director and to properly conduct the chlorine residual analysis, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(b) and (d) and TPDES Permit No. WQ0011032001, Monitoring and Reporting Requirements No. 2.
 8. As evidenced by Findings of Fact No. 9, the Respondent failed to conduct and maintain records of process controls at the Facility, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011032001, Operational Requirements No. 1.
 9. As evidenced by Findings of Fact No. 10, the Respondent failed to have the backflow prevention device tested annually, in violation of 30 TEX. ADMIN. CODE § 317.4(a)(8).
 10. As evidenced by Findings of Fact No. 11, the Respondent failed to implement an adequate disinfection mechanism, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0011032001, Operational Requirements No. 1.
 11. As evidenced by Findings of Fact No. 12, the Respondent failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0012342001, Operational Requirements No. 1.
 12. As evidenced by Findings of Fact No. 13, the Respondent failed to prevent the unauthorized discharges of wastewater, in violation of TEX. WATER CODE § 26.121, 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011032001, Permit Conditions No. 2.g.
 13. As evidenced by Findings of Fact No. 14, the Respondent failed to report the unauthorized discharge of wastewater, in violation of 30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0011032001, Monitoring and Reporting Requirements No. 7.a.

14. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
15. An administrative penalty in the amount of Forty-Three Thousand Two Hundred Sixty-Nine Dollars (\$43,269) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty. Therefore, Thirty-Five Thousand Three Hundred Nine Dollars (\$35,309) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent has paid Two Hundred Twenty-Five Dollars (\$225) of the undeferred administrative penalty. The remaining amount of Seven Thousand Seven Hundred Thirty-Five Dollars (\$7,735) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Twenty-One Dollars (\$221) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Forty-Three Thousand Two Hundred Sixty-Nine Dollars (\$43,269) as set forth in Section II, Paragraph 15 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in

any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chester Alton Andrews, Docket No. 2011-0792-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Develop and implement a system for keeping all required records available for review, including but not limited to sludge records;
 - ii. Begin implementing process controls, in accordance with TPDES Permit No. WQ0011032001, Operational Requirements No. 1;
 - iii. Submit the DMRs for the monitoring periods ending December 31, 2010 and January 31, 2011 and a complete and accurate annual sludge report for the monitoring period ending July 31, 2010 to:

Compliance Monitoring Section
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - iv. Submit the noncompliance notification reports for deviations of TSS limitations by more than 40% during the month of February 2009 and deviations of the BOD limitations by more than 40% during the month of May 2010;
 - v. Submit the unauthorized discharge notifications for the overflows that occurred at the cleanouts located prior to the Facility;
 - vi. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs, the timely submittal of signed and certified annual sludge reports, the timely submittal of noncompliance notification reports for effluent violations which deviate from the permitted effluent limitation by more than 40%, and the timely submittal of unauthorized discharge notifications, in

accordance with TPDES Permit No. WQ0011032001, Monitoring and Reporting Requirements Nos. 1, 7.a, and 7.c, and Sludge Provisions; and

- vii. Clean up the debris around both cleanouts prior to the Facility.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a.i. through 2.a.vii., in accordance with Ordering Provision No. 2.f. below;
- c. Within 60 days after the effective date of this Agreed Order, either obtain approval for the current disinfection mechanism or install and begin implementing an approved disinfection mechanism;
- d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.c., in accordance with Ordering Provision No. 2.f. below
- e. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011032001, including specific corrective actions that were implemented at the Facilities to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be in accordance with Ordering Provision No. 2.f. below;
- f. The written certification of compliance required by Ordering Provisions Nos. 2.b., 2.d., and 2.e. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or

otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Sauer Jr.
For the Executive Director

7/13/12
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Chester Alton Andrews. I am authorized to agree to the attached Agreed Order on behalf of Chester Alton Andrews, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Chester Alton Andrews waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Chester Alton Andrews
Signature

March 17, 2012
Date

Chester Alton Andrews
Name (Printed or typed)
Authorized Representative of
Chester Alton Andrews

Owner
Title